



James A. Miller
Senior Vice President
Default Loan Servicing

May 11, 2006

Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Rules and Regulations Implementing the Telephone Consumer
Protection Act of 1991
CG Docket No. 02-278; DA 06-808

Dear Sir or Madam:

Chase Home Finance LLC ("Chase") is writing in support of the ACA International's petition filed October 4, 2006, requesting a clarification and declaratory ruling to the Telephone Consumer Protection Act to allow creditors and collectors to call cellular telephones by use of automated dialers (and predictive dialers) when the purpose of the call is for recovery of payments for goods and services received by the consumer.

The proposed rule correctly identifies that consumers are abandoning their landlines. In addition, some consumers are transferring their landline phone numbers to their cellular phones in conjunction with dropping their landlines. We have also noted this trend, which is especially prevalent among younger consumers.

Consumers may not inform the lender that the number provided on a mortgage application (which is later transferred to the servicing system) is a cellular number. In the unfortunate event that a consumer becomes delinquent, the phone number will be queued along with traditional land-based phone numbers in making collection or loss mitigation calls. Mortgage lenders and servicers employ modern technology to reach their customers, including automated dialers and predictive dialers. As a result of this combination of circumstances, lenders and servicers could inadvertently violate current do-not-call requirements.

We urge the FCC to recognize the growing trend of consumers abandoning landlines in favor of cellular telephones and allow creditors the same rights to contact borrowers in the event of delinquency. Cellular numbers retained by lenders are given voluntarily by borrowers and, consequently, borrowers should anticipate receiving collection or loss mitigation calls if they become delinquent.

When a borrower becomes delinquent, every effort is made to collect the debt and to save the home from foreclosure through various loss mitigation options. Impediments to reaching a delinquent borrower, such as the current perceived prohibition on autodialers, can negatively impact the homeowner's ability to cure his or her delinquency. Under the current regulatory scheme, lenders are removing known cellular borrowers from the normal automated process and calling them separately through a non-standard process. This exemption process slows down the contact rate and increases the risk of error. In order to achieve a successful work-out, it is critical to reach the borrower early in the delinquency before the arrearage accumulates to a



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point where work-out options are no longer viable. If lenders are impeded from reaching borrowers, both collection and work-out efforts will be hampered.

We urge the FCC to expressly permit lenders and servicers to call cellular telephone numbers using automated dialers when the purpose of the call is for recovery of the debt or loss mitigation. Please feel free to contact Carolyn Melvin at (614) 422-1166 if you have any questions.

Sincerely,

CHASE HOME FINANCE LLC

James A. Miller
Senior Vice President

/djc